UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

FAIR ISAAC CORPORATION, a) Case No. 16-cv-1054 (WMW/DTS)
Delaware corporation,)
Plaintiff,)
v.)
FEDERAL INSURANCE COMPANY, an Indiana corporation, and ACE))
AMERICAN INSURANCE)
COMPANY, a Pennsylvania	
corporation.	
Defendants.)

JOINT MOTION REGARDING CONTINUED SEALING

Documents have been filed under temporary seal in connection with the following actions:

Plaintiff Fair Isaac Corporation's Motion for Summary Judgment on Defendants' Statute of Limitations Defense (Dkt. 743)

Defendants' Supplemental Motion for Summary Judgment (Dkt. 750)

Pursuant to LR 5.6, the parties submit this Joint Motion Regarding Continued Sealing.

DKT. NO.	DKT. NO. OF REDACTED VERSION (IF FILED)	DESCRIPTION OF DOCUMENT	PRECISELY IDENTIFY: a) The information that the parties agree should remain sealed; b) The information the parties agree should be unsealed; and c) The information about which the parties disagree.	NONPARTY THAT DESIGNATED DOC. CONFIDENTIAL (IF ANY)	REASON WHY DOCUMENT SHOULD REMAIN SEALED OR BE UNSEALED
744	745	Memorandum in Support of Fair Isaac Corporation's Motion for Summary Judgment on Defendants' Statute of Limitations Defense	a) None b) The Parties agree the information may be unsealed. c) None		The document should be unsealed because no confidential or business sensitive information exists in the filing.
747		Exhibit 6 to Kliebenstein Declaration (excerpts from the 30(b)(6) Deposition of Henry Mirolyuz taken on July 31, 2018)	a) Noneb) The Parties agree the information may be unsealed.c) None		The document should be unsealed because no confidential or business sensitive information exists in the filing.
747-1		Exhibit 7 to Kliebenstein Declaration (excerpts from the 30(b)(6) Deposition of Ramesh Pandey taken on November 26, 2019)	a) None b) The Parties agree the information may be unsealed. c) None		The document should be unsealed because no confidential or business sensitive information exists in the filing.
747-2	801	Exhibit 8 to Kliebenstein Declaration (email from Henry Mirolyuz to Tony Zhang dated June 7, 2013 regarding Blaze upgrade to 7.1, Bates numbered as FED009153. This	a) The Parties agree the following information should remain sealed: Defendants' technical information regarding software application(s)		The following information should remain sealed to: Protect detailed technical information relating to Defendants' proprietary software applications,

	 1 , , , , , , , , , , , , , , , , , , ,	Т	T	
	document served as Exhibit			which a competitor could
	12 to the deposition of	b) None		use to gain an advantage in
	Henry Mirolyuz)			developing its own similar
		c) None		software.
				The filing party has filed a
				redacted version disclosing
				all non-sensitive
				information.
747-3	Exhibit 9 to Kliebenstein	a) None		The document should be
, , , ,	Declaration (excerpts from	a) I telle		unsealed because no
	the Deposition of Henry	b) The Parties agree the		confidential or business
	Mirolyuz taken on January	information may be		sensitive information exists
	11, 2019)	unsealed.		in the filing.
	11, 2019)	unseared.		in the ming.
		c) None		
747-4	Exhibit 10 to Kliebenstein	a) None		The document should be
	Declaration (email between			unsealed because no
	Chubb employees dated	b) The Parties agree the		confidential or business
	September 13, 2012	information may be		sensitive information exists
	regarding Minutes –	unsealed.		in the filing.
	Evolution Weekly	discared.		in the ining.
	Meeting, Bates numbered	c) None		
	as FED003425 0001 and	c) I tolic		
	an email dated October 5,			
	2012 regarding Referral			
	Rules Discussion, Bates			
	numbered as			
	FED003436 0001)			
747.5		a) NI		The document should be
747-5	Exhibit 11 to Kliebenstein	a) None		
	Declaration (mail between	1) TI D (unsealed because no
	Chubb employees dated	b) The Parties agree the		confidential or business
	October 8, 2013 regarding	information may be		sensitive information exists
	Blaze new version, Bates	unsealed.		in the filing.
	numbered as			
	FED003510_0001)	c) None		
747-6	Exhibit 12 to Kliebenstein	a) None		The document should be
	Declaration (excerpts from			unsealed because no
	the Deposition of Ramesh			confidential or business

CASE 0:16-cv-01054-DTS Doc. 807 Filed 06/11/20 Page 4 of 14

		Pandey taken on November 13, 2018.)	b) The Parties agree the information may be unsealed.	sensitive information exists in the filing.
747-7		Exhibit 15 to Kliebenstein Declaration (excerpts from the Deposition of John Taylor taken on August 2, 2018)	a) None b) The Parties agree the information may be unsealed. c) None	The document should be unsealed because no confidential or business sensitive information exists in the filing.
747-8		Exhibit 20 to Kliebenstein Declaration (Chubb Arch PLD Project Statement of Work dated December 16, 2014, Bates numbered as FED006837_0001. This document served as Exhibit 16 to the deposition of Henry Mirolyuz.)	a) The Parties agree the following information should remain sealed: Defendants' third party contract discussing business and software plans. b) None c) None	The following information should remain sealed to: Protect detailed technical information relating to Defendants' proprietary software applications, which a competitor could use to gain an advantage in developing its own similar software. Protect third party's confidential pricing information.
747-9	805	Exhibit 21 to Kliebenstein Declaration (2015 email string between AppCentrica (Chubb Insurance Company of Canada's third-party vendor) and DWS (Chubb Insurance Company of Australia's third-party vendor), which were produced as Bates Nos. FED013809_0001-0003, FED011040_0001-0003	a) The Parties agree the following information should remain sealed: Technical information regarding Defendants' application(s) b) None c) None	The following information should remain sealed to: Protect detailed technical information relating to Defendants' proprietary software applications, which a competitor could use to gain an advantage in developing its own similar software. The filing party has filed a redacted version disclosing

CASE 0:16-cv-01054-DTS Doc. 807 Filed 06/11/20 Page 5 of 14

		and FED011047_0001- 0005.		all non-sensitive information.
747-10	806	Exhibit 23 to Kliebenstein Declaration (excerpts from the Expert Report of Neil Zoltowski and attached Schedules, served on April 19, 2019)	a) The Parties agree the following information should remain sealed: FICO's pricing, discounting, and third party negotiation details. b) None c) None	The following information should remain sealed to: Protect FICO's pricing information, including the pricing given to a certain customer, which competitors may use to compete better against FICO or customers could use to demand better pricing. The filing party has filed a redacted version disclosing all non-sensitive information.
773	774	Plaintiff Fair Isaac Corporation's Memorandum in Opposition to Defendants' Supplemental Motion For Summary Judgment	a) None b) The Parties agree the information may be unsealed. c) None	The document should be unsealed because no confidential or business sensitive information exists in the filing.
778	779	Exhibit 1 to Kliebenstein Declaration (Software License and Maintenance Agreement for Blaze Advisor, Bates numbered as FICO0001702-1720. This document served as Exhibit 110 to the deposition of Russell Schreiber)	a) The Parties agree the following information should remain sealed: FICO's pricing information. b) None c) None	The following information should remain sealed to: Protect FICO's pricing information, including the pricing given to a certain customer, which competitors may use to compete better against FICO or customers could use to demand better pricing.

781		Exhibit 3 to Kliebenstein Declaration (excerpts from the 30(b)(6) Deposition of Henry Mirolyuz taken on July 31, 2018)	a) None b) The Parties agree the information may be unsealed.	The filing party has filed a redacted version disclosing all non-sensitive information. The document should be unsealed because no confidential or business sensitive information exists in the filing.
781-1		Exhibit 4 to Kliebenstein Declaration (excerpts from the 30(b)(6) Deposition of Henry Mirolyuz taken on July 31, 2018)	c) None a) None b) The Parties agree the information may be unsealed.	The document should be unsealed because no confidential or business sensitive information exists in the filing.
782	783	Exhibit 5 to Kliebenstein Declaration (email from Henry Mirolyuz to Tony Zhang dated June 7, 2013 regarding Blaze upgrade to 7.1, Bates numbered as FED009153. This document served as Exhibit 12 to the deposition of Henry Mirolyuz)	c) None a) The Parties agree the following information should remain sealed: Defendants' technical information regarding software application(s) b) None c) None	The following information should remain sealed to: Protect detailed technical information relating to Defendants' proprietary software applications, which a competitor could use to gain an advantage in developing its own similar software.
784		Exhibit 6 to Kliebenstein Declaration (excerpts from the Deposition of Henry Mirolyuz taken on January 11, 2019)	a) None b) The Parties agree the information may be unsealed.	The filing party has filed a redacted version disclosing all non-sensitive information. The document should be unsealed because no confidential or business sensitive information exists in the filing.

784-1 Exhibit 7 to Kliebenstein Declaration (excerpts from the Deposition of Ramesh Pandey taken on November 13, 2018) Declaration (excerpts from the Deposition of Ramesh Pandey taken on November 13, 2018) Exhibit 16 to Kliebenstein C) None The document unsealed because confidential or information may be unsealed. c) None The document unsealed because confidential or information may be unsealed. c) None The document unsealed because confidential or information may be unsealed. The following	use no business
Declaration (excerpts from the Deposition of Ramesh Pandey taken on November 13, 2018) Declaration (excerpts from the Deposition of Ramesh Pandey taken on November information may be unsealed. b) The Parties agree the information may be unsealed. c) None	use no business
Declaration (excerpts from the Deposition of Ramesh Pandey taken on November 13, 2018) Declaration (excerpts from the Deposition of Ramesh Pandey taken on November information may be unsealed. b) The Parties agree the information may be unsealed. c) None	use no business
Declaration (excerpts from the Deposition of Ramesh Pandey taken on November 13, 2018) Declaration (excerpts from the Deposition of Ramesh Pandey taken on November information may be unsealed. b) The Parties agree the information may be unsealed. c) None	use no business
Declaration (excerpts from the Deposition of Ramesh Pandey taken on November 13, 2018) Declaration (excerpts from the Deposition of Ramesh Pandey taken on November information may be unsealed. C) None Unsealed because confidential or sensitive information may be unsealed. c) None	use no business
the Deposition of Ramesh Pandey taken on November 13, 2018) b) The Parties agree the information may be unsealed. c) None confidential or sensitive information may be unsealed.	business
Pandey taken on November information may be unsealed. sensitive information may be unsealed. c) None	
13, 2018) unsealed. in the filing.	mation Carses
c) None	
705 The Collection of the Coll	l.
1/65 1/6/ Exhibit to to Kilebenstein a) the Parties agree the The following	information
Declaration (email from following information should remain	
Andrew Hopp dated March should remain sealed:	
23, 2016 regarding Chubb Protect FICO's	s pricing
LTD License Expansion FICO's pricing information, in	
Amendment, Bates information. pricing given t	
numbered as customer, which	
FED009413 0001, b) None competitors m	
FED009414 0001 and compete better	
FED009415 0001. This c) None FICO or custo	
document served as Exhibit use to demand	better
100 to the deposition of pricing.	
Thomas Carretta)	
The filing part	y has filed a
redacted version	on disclosing
all non-sensitive	ve
information.	
785-1 Exhibit 17 to Kliebenstein a) The Parties agree the The following	information
Declaration (email from following information should remain	sealed to:
Tamra Pawloski to Bill should remain sealed:	
Waid dated March 25, Protect FICO's	s pricing
2016 regarding FICO, FICO's pricing information, in	
Bates numbered as information. pricing given t	
FICO0000437-439. This customer, which	
document served as Exhibit b) None competitors m	ay use to
101 to the deposition of compete better	
Thomas Carretta) c) None FICO or custo	
use to demand	better
pricing.	

				The filing party has filed a redacted version disclosing all non-sensitive information.
785-2	787-2	Exhibit 18 to Kliebenstein Declaration (redline edits to Amendment Three to Software License and Services Agreement between Fair Isaac Corporation and Chubb & Son, Bates numbered as FED004432_0001)	a) The Parties agree the following information should remain sealed: FICO's pricing information. b) None c) None	The following information should remain sealed to: Protect FICO's pricing information, including the pricing given to a certain customer, which competitors may use to compete better against FICO or customers could use to demand better pricing. The filing party has filed a redacted version disclosing all non-sensitive information.
788		Exhibit 19 to Kliebenstein Declaration (Addendum Number 2 to the Service Agreement between Pacific Indemnity Company and Chubb & Son, a division of Federal Insurance Company, Bates numbered as FED013547_0001. This document served as Exhibit 19 to the 30(b)(6) deposition of John Taylor)	a) The Parties agree the following information should remain sealed: Defendants' internal service contracts. b) None c) None	The following information should remain sealed to: Protect Defendants' intercompany service agreements that contain highly sensitive business information regarding strategy for product development and services within the Chubb Group of Insurance Companies. Competitors could gain unfair advantages from these contracts by learning intricate details about Chubb's business strategy.

788-1	Exhibit 20 to Kliebenstein Declaration (Addendum to the Agreement between Texas Pacific Indemnity Company and Chubb & Son, a division of Federal Insurance Company, Bates numbered as FED013548_0001. This document served as Exhib 20 to the 30(b)(6) deposition of John Taylor)	following information should remain sealed: Defendants' internal service contracts. b) None c) None	The following information should remain sealed to: Protect Defendants' intercompany service agreements that contain highly sensitive business information regarding strategy for product development and services within the Chubb Group of Insurance Companies. Competitors could gain unfair advantages from these contracts by learning intricate details about Chubb's business strategy.
788-2	Exhibit 21 to Kliebenstein Declaration (Addendum Number 3 to the Management Agreement between Vigilant Insurance Company and Chubb & Son, a division of Federal Insurance Company, Bates numbered as FED013549_0001. This document served as Exhib 21 to the 30(b)(6) deposition of John Taylor)	following information should remain sealed: Defendants' internal service contracts. b) None it c) None	The following information should remain sealed to: Protect Defendants' intercompany service agreements that contain highly sensitive business information regarding strategy for product development and services within the Chubb Group of Insurance Companies. Competitors could gain unfair advantages from these contracts by learning intricate details about Chubb's business strategy.
788-3	Exhibit 22 to Kliebenstein Declaration (Addendum Number 3 to the Management Agreement	a) The Parties agree the following information should remain sealed:	The following information should remain sealed to:

CASE 0:16-cv-01054-DTS Doc. 807 Filed 06/11/20 Page 10 of 14

	between Chubb Indemnity Insurance Company and Chubb & Son, a division o Federal Insurance Company, Bates numbered as FED013541_0001. This document served as Exhibit 22 to the 30(b)(6) deposition of John Taylor)	b) None t c) None	Protect Defendants' intercompany service agreements that contain highly sensitive business information regarding strategy for product development and services within the Chubb Group of Insurance Companies. Competitors could gain unfair advantages from these contracts by learning intricate details about Chubb's business strategy.
788-4	Exhibit 23 to Kliebenstein Declaration (Addendum to the Management Agreement between Chubb National Insurance Company and Chubb & Son, a division of Federal Insurance Company, Bates numbered as FED013542_0001. This document served as Exhibit 23 to the 30(b)(6) deposition of John Taylor)	should remain sealed: Defendants' internal service contracts. b) None	The following information should remain sealed to: Protect Defendants' intercompany service agreements that contain highly sensitive business information regarding strategy for product development and services within the Chubb Group of Insurance Companies. Competitors could gain unfair advantages from these contracts by learning intricate details about Chubb's business strategy.
788-5	Exhibit 24 to Kliebenstein Declaration (Addendum Number 4 to the Management Agreement between Executive Risk Specialty Insurance Company and Chubb &	a) The Parties agree the following information should remain sealed: Defendants' internal service contracts.	The following information should remain sealed to: Protect Defendants' intercompany service agreements that contain highly sensitive business

CASE 0:16-cv-01054-DTS Doc. 807 Filed 06/11/20 Page 11 of 14

	Insurance C numbered a FED01354: document s 24 to the 30 deposition of	5_0001. This served as Exhibit 0(b)(6) of John Taylor)	information regarding strategy for product development and service within the Chubb Group Insurance Companies. Competitors could gain unfair advantages from these contracts by learning intricate details about Chubb's business strateg
788-6	Declaration Number 3 t Managemen between Ex Indemnity 1 & Son, a di Federal Ins Company, 1 as FED013 document s 25 to the 30	nt Agreement xecutive Risk Inc. and Chubb ivision of surance Bates numbered 544_0001. This served as Exhibit Defendants' internal service contracts. Defendants' internal service contracts.	should remain sealed to:
788-7	Declaration the Manage Agreement Northern In Company a Son, a divis Insurance Conumbered a FED013546	between Great nsurance Defendants' internal service contracts. Defendants internal service contracts.	should remain sealed to:

CASE 0:16-cv-01054-DTS Doc. 807 Filed 06/11/20 Page 12 of 14

		26 to the 30(b)(6) deposition of John Taylor)		Insurance Companies. Competitors could gain unfair advantages from these contracts by learning intricate details about Chubb's business strategy.
780		Exhibit A to Fleming Declaration (excerpts from the Rule 30(b)(6) deposition of Ramesh Pandey taken on January 22, 2019)	a) None b) The Parties agree the information may be unsealed. c) None	The document should be unsealed because no confidential or business sensitive information exists in the filing.
780-1		Exhibit B to Fleming Declaration (excerpts from the second Rule 30(b)(6) deposition of Ramesh Pandey taken on November 26, 2019)	a) None b) The Parties agree the information may be unsealed. c) None	The document should be unsealed because no confidential or business sensitive information exists in the filing.
796	797	Defendants' Reply Memorandum in Support of Supplemental Motion for Summary Judgment	a) The Parties agree the following information should remain sealed: FICO's pricing information. b) None c) None	The following information should remain sealed to: Protect FICO's pricing information, including the pricing given to a certain customer, which competitors may use to compete better against FICO or customers could use to demand better pricing. The filing party has filed a redacted version disclosing all non-sensitive information.

CASE 0:16-cv-01054-DTS Doc. 807 Filed 06/11/20 Page 13 of 14

799	Exhibit 2 to Fleming	a) The Parties agree the	The following information
	Declaration (Printout of	following information	should remain sealed to:
	FICO Customer Support	should remain sealed:	
	Tickets, produced as		Protect technical
	FICO0000197)	File locations from file	information including file
		paths and URL's, IP	paths, URL's, and IP
		addresses, Defendants'	addresses related to
		confidential technical	Defendants' proprietary
		support inquiries for	business software
		maintaining and	applications, which, if
		upgrading their	published, could create IT
		proprietary business	security concerns and
		software applications.	reveal confidential
			technical information
		b) None	regarding the structure of
			Defendants' proprietary
		c) None	software applications.

Dated: June 11, 2020

/s/ Joseph W. Dubis

Allen Hinderaker, MN Bar # 45787
Heather Kliebenstein, MN Bar # 337419
Michael A. Erbele, MN Bar # 393635
Joseph W. Dubis, MN Bar # 398344
MERCHANT & GOULD P.C.
150 South Fifth Street
Suite 2200
Minneapolis, MN 55402
Tel: (612) 332-5300
Fax: (612) 332-9081
ahinderaker@merchantgould.com
hkliebenstein@merchantgould.com
merbele@merchantgould.com
jdubis@merchantgould.com

Attorneys for Plaintiff FICO

-AND-

/s/ Christian V. Hokans

Terrence J. Fleming (#0128983) tfleming@fredlaw.com
Leah C. Janus (#0337365)
ljanus@fredlaw.com
Christopher D. Pham (#0390165)
cpham@fredlaw.com
Ryan C. Young (#0397751)
ryoung@fredlaw.com
Christian V. Hokans (#0400377)
chokans@fredlaw.com

FREDRIKSON & BYRON, P.A.

200 South Sixth Street, Suite 4000 Minneapolis, MN 55402-1425 (612) 492-7000 (tel.) (612) 492-7077 (fax)

Attorneys for Defendants